



REGISTRAR OF REGULATIONS

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## **COMMONWEALTH of VIRGINIA**

### **Department of Health DIVISION OF SHELLFISH SANITATION**

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Richmond, VA 23219

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### **NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 038-178, WINTER HARBOR**

**EFFECTIVE 20 MARCH 2008**

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §2.2-4002, B.16 of the *Code of Virginia*:

1. The "Notice and Description of Shellfish Area Condemnation Number 038-178, Winter Harbor," effective 15 March 2007, is cancelled effective 20 March 2008.
2. Condemned Shellfish Area Number 038-178, shown as Section A, is hereby established effective 20 March 2008. It shall be unlawful for any person, firm, or corporation to take shellfish from this area for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.2-810 of the *Code of Virginia*. The boundaries of this area are shown on the map titled "Winter Harbor, Condemned Shellfish Number 038-178, 20 March 2008" which is part of this notice.
3. Seasonally Condemned Shellfish Area Number 038-178 shown as Section M1 is hereby established, effective 1 April 2008, and shall remain in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded. It shall be unlawful for any person, firm or corporation to take shellfish from this area during such period for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.2-810 of the *Code of Virginia*. The boundary of this area is shown on the map titled "Winter Harbor, Condemned Shellfish Number 038-178, 20 March 2008" which is part of this notice.
4. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

#### **BOUNDARIES OF CONDEMNED AREA NUMBER 038-178**

- A. The condemned area shall include that portion of the unnamed tributary of Winter Harbor lying upstream of a line drawn from latitude/longitude map coordinate (37°23'14.4", -76°16'19.8") and map coordinate (37°23'14.5", -76°16'14.8").



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[www.vdh.virginia.gov/shellfish](http://www.vdh.virginia.gov/shellfish)

- M1. The seasonally condemned area shall include that portion of Winter Harbor lying upstream and inland of a line drawn from latitude/longitude map coordinate (37°22'34.4", -76°15'25.0") to map coordinate (37°22'34.2", -76°15'21.0"), thence northwesterly along the island shoreline to map coordinate (37°22'37.7", -76°15'25.1"), thence on to map coordinate (37°22'39.2", -76°15'36.3"), thence westerly along the island shoreline to map coordinate (37°22'39.9", -76°15'39.2"), thence continuing on to map coordinate (37°22'41.5", -76°15'46.9") and finally to map coordinate (37°22'36.5", -76°15'53.6").

Recommended by:

Mr. E. Cooney  
Director, Division of Shellfish Sanitation

Ordered by:

Karen Sewley 3/7/08  
State Health Commissioner Date

**Virginia Department of Health  
Winter Harbor  
Condemned Shellfish Area Number 038-178  
20 March 2008**

